

REMARKS

Claims 9-12, 16-26 and 31 are active. Claim 9 and its dependents have been directed without prejudice to aqueous extracts as exemplified in the specification. Claims 9 and 20 have been revised to correct typographical errors. Claim 31 tracks the limitations of claim 9 but is not limited to “crude” extracts. Support for purified plant extracts is found on page 9 of the specification and methods for purifications are well-known in the art. No new matter has been added.

The Applicants thank Examiners Mi for the courteous and helpful interview of October 3, 2007. Replacement of the term “obtainable” by “obtained” was advised to overcome the indefiniteness rejection. It was also suggested that the claims language specify “removing a fructosyl moiety from an isolated fructosylated peptide”.

Rejection—35 U.S.C. §112, first paragraph

Claims 9-30 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate written description. The Applicants thank the Examiner for indicating on page 3 of the Official Action that aqueous extracts from certain *Pyrus*, *Vitis* and *Daucus* species are adequately described. While the specification discloses the invention more broadly than just these three species (see e.g., page 5, lines 8-14), this rejection is moot in view of the amendments above.

Rejection—35 U.S.C. §112, first paragraph

Claims 9-30 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate enablement. The Applicants thank the Examiner for indicating at the bottom of page 5 of the Official Action that aqueous extracts from certain *Pyrus*, *Vitis* and *Daucus* species are

adequately enabled. Given the Applicants disclosure, it is respectfully submitted that no undue experimentation would be required to identify other plant extracts useful in the claimed methods, for example, the level of skill in the art is high and methods for preparing and identifying useful enzymes are explicitly exemplified. Even a considerable amount of experimentation is permissible, if it is merely routine, or if the specification provides a reasonable amount of guidance with respect to the direction in which the experimentation should proceed, *In re Wands*, 858 F.2d 731 (Fed. Cir. 1988). Nevertheless, this rejection is moot in view of the amendments above.

Rejection—35 U.S.C. §112, second paragraph

Claims 9-30 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. This rejection is moot in view of the amendments above.

Rejection—35 U.S.C. §102(b)

Claims 27 and 29 were rejected under 35 U.S.C. 102(b) as being anticipated by Thumm, et al., U.S. Patent No. 4,976,974. This rejection is moot in view of the cancellation of these claims.

Rejection—35 U.S.C. §102(b)

Claims 27 and 28 were rejected under 35 U.S.C. 102(b) as being anticipated by JP 60109509. This rejection is moot in view of the cancellation of these claims.

Rejection—35 U.S.C. §102(e)

Claims 27 and 30 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,361,818. This rejection is moot in view of the cancellation of these claims.

CONCLUSION

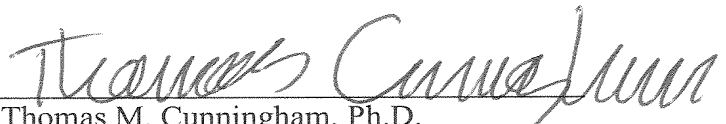
In view of the above amendments and remarks, the Applicants respectfully submit that this application is now in condition for allowance. Early notification to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)


Thomas M. Cunningham, Ph.D.
Registration No. 45,394